



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

520.35137CX1

Applicants: K. KITAI, et al

Serial No.: 10/051,050

Filed: January 22, 2002

For: NETWORK DATA COMMUNICATION SYSTEM

Group: 2665

Examiner: P. Nguyen

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SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 26, 2004

Sir:

Attached is a Terminal Disclaimer submitted in an effort to place this application in condition for allowance.

Accordingly, early allowance of claims 1-10 is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 C.F.R. section 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 520.35137CX1) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

Carl I. Brundidge
Registration No. 29,621
ANTONELLI, TERRY, STOUT & KRAUS, LLP

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In re Application of: KITAI, KATSUYOSHI

Application No.: 10/051,050

Filed: 1/22/2002

For: NETWORK DATA COMMUNICATION SYSTEM

The owner, HITACHI, LTD., (As per the Assignment recorded on Reel 8361 and Frame 0699) of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,404,766. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney or agent of record.

Signature

10/26/2004

Date

CARL I. BRUNDIDGE Reg. No. 29,621

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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